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March 17, 2006

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By Email and Mail Confirmation

Honorable Gustave J. DiBianco
United States Magistrate Judge
United States Courthouse
PO Box 7396
100 South Clinton Street
Syracuse, New York 13261

Re: Haritatos v. Hasbro

05-14-930

Dear Judge DiBianco:

Defendants Hasbro, Inc. and Toys "R" Us-NY LLC respectfully request that the Court enter the enclosed protective order. We believe that the enclosed order accurately embodies the agreement of the parties and, to the extent the parties did not agree, the Court's resolution of the parties' disagreement by Order dated December 5, 2005, as affirmed by Judge Hurd.

As your honor is aware, the parties stated at their Rule 16 telephone conference on November 10, 2005, that they agreed on the need for a protective order governing confidential information in this case, but they disagreed upon certain terms. Consequently, your honor asked the parties to submit memoranda together with their proposed versions of the confidentiality order to the Court. The parties submitted briefs to the Court on November 22, 2005 and your honor ruled on their disagreements by Order dated December 5, 2005. Plaintiff Haritatos subsequently appealed your honor's order to Judge Hurd. On January 27, 2006, Judge Hurd affirmed your honor's Order in all respects.

On February 7, 2006, defendants sent the enclosed protective order to counsel for Haritatos so that he might confirm that it accurately captures what was agreed to and, to the extent not agreed to, ordered by the Court. Counsel for Haritatos did not respond. Accordingly, we reiterated our request on March 8, 2006. On March 12, 2006, counsel for Haritatos responded by e-mail that he would not consent to the order (even as to form), not because he contended that it failed to conform to the Court's order, but simply because he disagreed with the Court's order. He therefore invited us to submit protective order to the Court to be so ordered, and that is what we are hereby doing.

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We find plaintiff's refusal to cooperate regrettable, and both defendants respectfully request that the enclosed be entered as an order of the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Sant'Ambrogio", written in a cursive style.

Michael D. Sant'Ambrogio

Enclosure

cc: Robert E. Purcell, Esq. (by email)
John G. McGowan, Esq. (by email)